



CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	2/20/07	AGENDA REQUEST NO:	III C
INITIATED BY:	DOUGLAS P. SCHOMBURG, AICP ASST. PLANNING DIRECTOR <i>Douglas P. Schomburg</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	DOUGLAS P. SCHOMBURG, AICP ASST. PLANNING DIRECTOR	DEPARTMENT HEAD:	SABINE SOMERS-KUENZEL, AICP DIRECTOR OF PLANNING <i>AK</i>
		ADDITIONAL DEPARTMENT. HEAD (S):	N/A
SUBJECT / PROCEEDING:	DEVELOPMENT CODE AMENDMENT TO CHAPTER TWO (ZONING), ARTICLE II FOR INTERIOR SIDE SETBACKS FOR THE B-1, B-2, AND B-O ZONING DISTRICTS SECOND READING OF ORDINANCE NO. 1607		
EXHIBITS:	SUPPLEMENTAL INFORMATION, ILLUSTRATION, ORDINANCE NO. 1607, EXAMPLE SHOPPING CENTER PHOTOS, HEARING NOTICE		
CLEARANCES		APPROVAL	
LEGAL:	MEREDITH WILGANOWSKI, <i>MW</i> ASSISTANT CITY ATTORNEY	EXECUTIVE DIRECTOR:	JIM CALLAWAY <i>Jim Callaway</i> COMMUNITY DEVELOPMENT
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>Allen Bogard</i>
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
AMOUNT BUDGETED/REALLOCATION: \$		N/A	
ADDITIONAL APPROPRIATION: \$		N/A	
RECOMMENDED ACTION			
The Planning and Zoning Commission unanimously recommends approval of the Development Code amendment.			

EXECUTIVE SUMMARY

This City-initiated amendment to Chapter Two (Zoning), Article II of the Development Code and was

workshopped on January 23, 2007 with the City Council. The amendment brings the commercial zoning district interior setbacks in line with the setbacks under Chapter Five (Subdivision Regulations). The proposed amendment completes a process begun in 2001 where various commercial setbacks for commercial development were discussed. The Subdivision Regulations (Chapter Five) of the Code were subsequently amended to address this issue within the ETJ. However, that amendment did not change the “B” commercial district requirements, and later code amendments focused on other City Council issues.

Platting out individual reserves of commercial shopping centers with connected buildings is common throughout municipalities in Texas and in numerous areas of the City constructed prior to 1997. In 2006 the Development Committee requested that this item be re-visited for the “B” Districts to complete the prior amendment process. In addition, several ongoing commercial shopping center projects within the Lake Pointe development wish to use the connected building arrangement. The Commission workshop on November 14, 2006 allowed this issue to be introduced and although there were a number of questions asked, no major issues were found with the proposal. A Public Hearing was held on December 12, 2006 where the Development Committee was represented and support was expressed for the amendment. There were no Commission issues and no opposition. The Commission gave a unanimous recommendation for approval of this item at the January 9, 2007 meeting. Additional information is attached.

Please note that the attached ordinance contains additional information that further clarifies existing Development Code provisions within Chapter Two, Article II within the B-1, B-2, and B-O Districts. This restructuring is a house-keeping measure to make the revisions to the Code more uniform and effective.

Steve Ewbank, PCD stevee@pcdltd and

Travis Stone, Newland Communities tstone@newlandcommunities.com (Development Committee)

File No. 7184

EXHIBITS

SUPPLEMENTAL INFORMATION:

Planning and Zoning Commission Actions

The Planning and Zoning Commission provided input on this item during workshop format on November 14, 2006. Key aspects discussed were:

- **Overview of the amendment and Development Code provisions**
- **Discussion of prior code amendment work**
- **Shopping center buildings and Building Codes**

The item was received favorably by the Commission and a Public Hearing was held on December 12, 2006 on the proposed amendment. Members of the Development Committee spoke favorably regarding the amendment, and no one spoke in concern or opposition. Staff confirmed that research did not indicate maximum length of buildings connected in any of the codes reviewed, with the exception of historical preservation ordinances. No further issues were expressed by the Commission, and the item was unanimously recommended for approval at the January 9, 2007 meeting. The key provisions are highlighted for reference.

DEVELOPMENT CODE AMENDMENTS:

These proposals are designed to address concerns and issues brought up by the development community and encountered by City staff when a development proposal is designed with individually platted commercial reserves that are part of an overall commercial or office center. These centers function with shared access and parking, and may desire to share interior building lines. Within the City, there are numerous examples of properties annexed into the corporate limits previously developed that have these characteristics.

Prior City of Sugar Land Zoning Regulations-

Previous zoning regulations under Ordinance No. 384 (1982-1997) contained provisions that allowed zero interior side setbacks for commercial properties within the B-1, B-2, and O-1 (former office dist.) when buildings adjoined. When the Development Code was adopted in 1997, the Code did not include the provisions for zero interior setbacks for commercial development. Based on a thorough review of documentation and records regarding the Development Code adoption process this was an oversight. However, since 1997 this has created difficulty for commercial project platting.

Current Subdivision Regulations Language-

In 2000, staff began examining several setback revisions to the Development Code, including interior commercial setbacks. As mentioned in the Executive Summary, in 2001, the City Council approved a revision to Chapter Five (Subdivision Regulations) Article III, of the Development Code to zero interior side setbacks for commercial centers with the following language:

Section 5-25 B.2.c

“Side building lines are not required along the sides where two abutting lots share a common side lot line if one building is constructed across the two lots and has a common wall dividing the building along the common side lot line of the abutting lots.”

Proposed Revisions to Zoning Regulations Language-

Changes were also proposed to incorporate similar language into the “B” commercial zoning districts. A key aspect of setbacks involved the extensive workshops and hearings at the Commission and Council level regarding setback ratios for height, commonly referred to as the “bulk plane” requirements. Workshops with the Commission in 2001 focused on the “bulk plane” setbacks for the “B” Districts. Also discussed regarding the “B” commercial districts were potential building finish code provisions and concerns of whether attached properties in shopping centers would develop with a certain level of uniformity. Subsequent work in 2001 and 2002 resulted in the addition of Article X (Building Finish Requirements) to the Development Code, as well as the determination by City Council that there would be a focus on durability and quality of building materials rather than finish colors and architectural styles for shopping centers and commercial development.

Subsequent Development Code revisions to Chapter Two Article II have needed to be addressed since those issues were resolved, and the interior setbacks issues have become more critical as recent conceptual development plans are reviewed for Lake Pointe and Telfair projects. As a result, staff is initiating the proposed changes to Chapter Two, Article II, Part 10 (B-O), Part 11 (B-1), and Part 12 (B-2) Districts Interior Side Setbacks.

Draft language voted on by the Planning and Zoning Commission as follows:

(b) Minimum Yards

(2) Side and Rear

-10 feet if abutting a Nonresidential District or R-4

-A yard is not required where the common wall of a building is located on a shared rear or side lot line of two lots abutting a Nonresidential District or R-4.

Building Code Applicability-

The City of Sugar Land adopted the 2003 International Building Code (IBC) on December of 2005 under Ordinance No. 1536. Staff has confirmed with the City of Sugar Land Building Official that all current requirements under the adopted building codes automatically require fire-walling for any attached commercial construction. This provides assurances that current codes are in place for public safety for the proposed amendments to the “B” commercial districts for interior side setbacks.

It is also important to note that the proposed amendment will not allow construction of commercial buildings to be located in a pattern such as zero on one interior and five feet setback on the other lot line. The amendment will require that either the buildings are connected with a common wall at the interior lot line, or that each building is at least 10’ away if not directly connected with a common wall.

REVIEW OF TEXAS MUNICIPALITIES CODE REQUIREMENTS:

In examining the proposed amendment, staff conducted research into a number of other Texas municipalities zoning ordinances with regard to interior side setbacks. A zero interior setback provision is common throughout municipal zoning ordinances for shopping center / commercial center development. A sample of these is provided as follows:

City of Abilene, Texas-

Interior Side Setbacks for Office District, Limited Commercial District, General Commercial District, and Heavy Commercial District: **Zero (Requires Firewall under Building Codes)**

Note: Shopping Center District amended in 1999 to allow zero interior side setback

City of Keller, Texas-

Interior Side Setbacks for Retail District stated as:

“When retail uses are platted adjacent to other retail and other nonresidential uses, no side yard is required provided that both property owners agree to adjoining buildings, adequate fire lanes and circulation is provided on site, and appropriate building codes can be met.” Zero (Requires Firewall under Building Codes)

City of Plano, Texas-

Interior Side Setbacks for all Commercial Districts stated as:

“None”Zero (Requires Firewall under Building Codes)

City of Missouri City, Texas-

Interior Side Setbacks for Local Commercial/Office District, Local Retail District, Retail District, and LC4 (Shopping Center Retail) District: Zero (Requires Firewall under Building Codes)

COMPREHENSIVE PLAN:

In reviewing any amendments to the City of Sugar Land Development Code, it is appropriate to examine the adopted Comprehensive Plan for applicable references. In particular, Chapter Five (Goals, Objectives, and Strategies) contains information that can be of use in reviewing this particular Development Code amendment. Three specific references are included below due to the focus on effective land use, redevelopment in a surrounding community, and consideration of various aspects during the annexation processes of the future.

Goal Three: Effective Land Use

Achieve a balanced and orderly use of land that will preserve and enhance the quality of life within Sugar Land while developing a diverse and sustainable city.

I. The City should update the Future Land Use Plan for the City and its ETJ, along with Development Codes and zoning practices for implementation.

III. The City should ensure that redevelopment and incremental infill is compatible with existing neighborhoods and enhances neighborhood integrity.

Effective Land Use is one of the key goals of the Comprehensive Plan, and one of the most important for decisions related to planning and zoning issues. The City of Sugar Land has large areas that developed outside of the corporate limits and were subsequently annexed and zoned. Many cities focus on the annexation of vacant / undeveloped areas, whereas Sugar Land has had large-scale annexations of developed communities as Sugar Creek, First Colony, Avalon, and Brazos Landing. These areas were developed without zoning, but with specific recorded setbacks. The interior setbacks proposal is a focused effort to ensure that regulations for development are consistent.

Goal Four: Redevelopment

Promote redevelopment in harmony with the surrounding community.

I. C. Continuously update the Development Code to facilitate compatible redevelopment.

Examination of Development Code updates allowing for the re-development of areas that are in harmony with the surrounding neighborhood is also an objective within the Comprehensive Plan. The City should examine Code amendments that proposal in achieving this objective to allow development and redevelopment to mirror the built environment in neighborhoods annexed after significant platting and development. Many existing commercial centers in First Colony were subdivided for ownership purposes with zero interior setbacks.

Goal Seven: Annexation

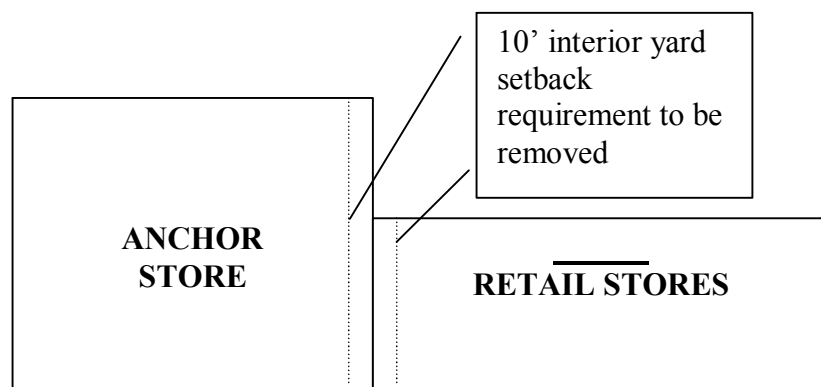
Expand the corporate limits of the City in a prudent manner while considering the long and short-term impacts.

One of the key factors that staff has taken into consideration was how the application of zoning districts to platted and significantly developed areas such as Greatwood, Riverpark, and New Territory might create conflicts and negative perceptions of annexation. As the City examines future annexations, there is a need to balance the application of zoning to developed areas, and to ensure that our Subdivision Regulations and Zoning requirements are consistent and to reduce conflicts when possible.

ILLUSTRATION:

The amendment will provide for a zero interior lot line setback for non-residential reserves planned to be built in a contiguous design on more than one platted reserve. A typical example of this type of development is a shopping center with one or more anchor stores that may be under separate ownership from the remaining smaller stores and built on separate reserves.

(Typical Shopping Center Development Elevation View)



PUBLIC HEARING:

This Public Hearing was posted in a newspaper of general circulation and on the City of Sugar Land internet home page. At the time of this report staff has received one inquiry that was informational in nature. There has been no opposition to this item.

POINTS FOR CONSIDERATION:

- **Amendment reduces inconsistencies within Development Code regarding interior setbacks and further streamlines regulations**
- **Amendment completes process begun in 2001, when originally proposed for zoning districts in connection with Subdivision Regulations amendment**
- **Proposal is not in conflict with the City of Sugar Land Comprehensive Plan**
- **No Public Safety issues due to adopted Building Codes**
- **Research into commercial centers within Sugar Land corporate limits indicate that along major corridors (SH 6 and US 59) platted prior to 1997 use the zero interior side setbacks**
 - **First Colony Mall**
 - **First Colony Commons**
 - **Market Place at Town Center**
 - **Highlands Square**
 - **Market at First Colony**

ORDINANCE NO. 1607

AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE SUGAR LAND DEVELOPMENT CODE BY AMENDING CHAPTER 2 (ZONING) RELATING TO MAXIMUM HEIGHT OF STRUCTURES AND MINIMUM YARD REQUIREMENTS.

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That Sections 2-125 (a) and 2-125(b) of the Development Code are amended to read as follows:

(a) Maximum Height of Structures – None, except airport height hazard regulations and the bulk plane requirements in (f).

(b) Minimum Yards:

(1) Front:

- 25 feet.
- 40 feet on arterial Streets or highways.

(2) Side and Rear:

- 10 feet if abutting a Nonresidential District or R-4.
- A yard is not required where the common wall of a building is located on a shared rear or side lot line of two lots abutting a Nonresidential District or R-4.
- 25 feet if abutting a Residential District other than R-4.
- 40 feet on arterial Streets or highways.

Section 2. That Sections 2-133 (a) and 2-133(b) of the Development Code are amended to read as follows:

(a) Maximum Height of Structures – 2 ½ stories, but not more than 35 feet from finished grade and the bulk plane requirements in (f).

(b) Minimum Yards:

(1) Front:

- 25 feet.
- 40 on arterial Streets or highways.

(2) Side and Rear:

- 10 feet if abutting a Nonresidential District or R-4
- A yard is not required where the common wall of a building is located on a shared rear or side lot line of two lots abutting a Nonresidential District or R-4.
- 25 feet if abutting a Residential District other than R-4.
- 40 feet on arterial Streets or highways.

Section 3. That Sections 2-143 (a) and 2-143(b) of the Development Code are amended to read as follows:

(a) Maximum Height of Structures:

- 100 ft. above finished grade
- Over 100 ft. with a conditional use permit
- Bulk plane requirements in (f).

(b) Minimum Yards:

(1) Front:

- 25 feet.
- 40 feet on arterial Streets or highways.

(2) Side and Rear:

- 10 feet if abutting a Nonresidential District or R-4
- A yard is not required where the common wall of a building is located on a shared rear or side lot line of two lots abutting a Nonresidential District or R-4.
- 25 feet if abutting a Residential District other than R-4.
- 40 feet on arterial Streets or highways.

Section 4. That Section 2-151(a) of the Development Code is amended to read as follows:

(a) Maximum Height of Structures – None, except airport height hazard regulations and the bulk plane requirements in (g).

Section 5. That Section 2-159(a) of the Development Code is amended to read as follows:

(a) Maximum Height of Structures – None, except airport height hazard regulations and the bulk plane requirements in (g).

APPROVED on first consideration on _____, 2007.

ADOPTED upon second consideration on _____, 2007.

David G. Wallace, Mayor

ATTEST:

Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

Meredith Wilganski

Example Shopping Center Site Photos with zero interior setbacks (previous codes)
First Colony Commons: (Williams Trace Blvd. and US Hwy 59)



Example Shopping Center Site Photos with zero interior setbacks (previous codes)
Market Place at Town Center: (Town Center Blvd. North and SH 6)



NOTICE OF PUBLIC HEARING

REQUEST FOR AMENDMENTS TO THE CITY OF SUGAR LAND DEVELOPMENT CODE CHAPTER TWO (ZONING), ARTICLE II, REGARDING INTERIOR YARD SETBACKS FOR B-1, B-2, AND B-O DISTRICTS OF THE CITY OF SUGAR LAND, FORT BEND COUNTY, TEXAS

PURPOSE: One (1) public hearing shall be held at which all persons interested in the proposed Code Amendment shall be given an opportunity to be heard.

WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
CITY HALL
2700 TOWN CENTER BOULEVARD NORTH
SUGAR LAND, TEXAS

WHEN: CITY OF SUGAR LAND
CITY COUNCIL MEETING
6:00 P.M., FEBRUARY 6, 2007

**DETAILS OF THE PROPOSED CODE AMENDMENT REQUEST MAY BE
OBTAINED FROM THE PLANNING OFFICE, CITY HALL, CITY OF SUGAR LAND,
2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS, MONDAY
THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M. OR YOU
MAY CALL (281) 275-2218 FOR ADDITIONAL INFORMATION.**